

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK D. NICOLAZZO,
Petitioner,

VS.

MICHAEL KLOPOTOSKI, et al.,
Respondent/s.

2:09cv194
Electronic Filing

**Judge Cercone /
Magistrate Judge Mitchell**

MEMORANDUM ORDER

AND NOW, this 25th day of August, 2009, after the petitioner, Mark D.

Nicolazzo, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until August 20, 2009, after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 21), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (Docket No. 5) is dismissed and a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

LG Cerone

David Stewart Cercone
United States District Judge

cc: Mark D. Nicolazzo
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